

REMARKS

Claims 9-12 and 14-22 are pending. The specification is objected to for informality in the abstract. Claims 9-10, 14, 15, 18, 20, and 22 are rejected under 35 USC 102(b) as being anticipated by US patent 6,574,965 (Feulner). Claims 9-10, 14, 15, and 18-22 are rejected under 35 USC 102(b) as being anticipated by US patent 4,702,070 (Cureton). Claims 9 and 10 are rejected under 35 USC 102(b) as being anticipated by US patent 3,694,102 (Conrad). Claims 11, 12, 16, and 17 are rejected under 35 USC 103(a) as being unpatentable over US patent 6,574,965 (Feulner) in view of US patent 2,837,270 (Chapman).

Paragraph and line numbers of Applicants' specification mentioned herein are relative to the substitute specification.

Description of specification amendment

The abstract is amended as required by Examiner.

Description of claim amendments

- Claims 10-12 are combined into independent claim 9.
- Claims 10-12 are canceled.
- Claims 15, 17, and 22 are combined into independent claim 14.
- Claims 15, 17 and 22 are canceled.
- No new matter is added by these amendments.
- Claims 9, 14, 16, and 18-21 are presented for examination.

Remark applicable to all grounds of rejection

Examiner considers the following underlined phrase to recite an intended use: "a tap line in flow communication with the cavity for extracting a portion of a compressed fluid flow of the compressor". Applicants consider this phrase as an adjectival phrase that modifies "a tap line". In any case, the structural part of the recitation above is complete in itself.

The remarks herein refer to the claim numbers as rejected. For example, the rejection of claim 11 is argued as to claim 11. This argument applies to claim 9 when the amendments are entered, since claim 11 is combined into claim 9 by the amendment herein.

Response to rejection under 35 USC 102 vs. Feulner

US 6,574,965 (Feulner) does not qualify under 35 USC 102(b) because it was not patented or published more than one year prior to Applicants' priority date of 18 Feb 2004, which is based on EP 04003669.1. Feulner is considered under 35 USC 102(e)(2).

35 USC 102 (e)(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent

As to claim 22: Feulner does not teach or suggest that his valve 76 is closed or partially closed during shutdown of the gas turbine. His valve modulates cooling air supplied to the turbine section 16 (col. 4, lines 46-49). He is silent as to its position during shutdown. Examiner considers this valve inherently closed during shutdown, but he provides no rationale or example. Feulner's valve 76 might be opened during shutdown to better cool the turbine blades in view of the declining coolant pressure. Furthermore, Cureton provides an example of opening a compressor tap valve during shutdown. Therefore closing Feulner's valve 76 during shutdown is not inherent.

Cureton's compressor tap valve 30 is closed during operation of the engine and is opened during shut-down (Cureton col. 1, lines 20-31 and col. 4, lines 5-10). This establishes that closing a compressor tap valve during shutdown is not inherent.

Response to rejection under 35 USC 102 vs. Cureton

As to claims 18 and 20: The manifold 28 of Cureton extends upstream (to the left) from the tap 62, not downstream as claimed. In Applicants' drawings, the compressor airflow is

from left to right per paragraph 30, lines 1-3. This flow defines "downstream" as being to the right in the drawings. In Cureton, the compressor airflow is also from left to right. This is known for the following reasons: 1) His FIG 1 shows the compressors 12 and 14 to the left of the combustors 24, thus establishing a left-to-right flow direction of the working gas; 2) His FIGs 2 and 3 show the compressor 14 reduced in diameter toward the right, establishing a left-to-right flow direction of the working gas; 3) Examiner designates the enlarged (right) end of the manifold 28 as the downstream end in paragraph 13, line 4 of the office action.

As to claim 22: Cureton's bleed valve 30 is closed during operation of the engine and is opened during shut-down (col. 1, lines 20-31 and col. 4, lines 5-10). This is opposite to the position of Applicants' valve of claim 22.

Response to rejection under 35 USC 102 vs. Conrad

As to claims 9-10: Claim 11 is combined into claim 9 herein. Claim 10 is canceled.

Response to rejection under 35 USC 103 over Feulner in view of Chapman

As to claims 11, 12, 16, and 17: Adding a second valve in the flow line 66 of Feulner for backup would not lock off the extracted compressed flow into the cavity as claimed, since the plenum 64 would still be in communication with the compressor air 22. Alternately, placing a backup valve in the unlabeled flow line between the air extraction groove 62 and the plenum 64 must be motivated by Applicants' invention, rather than backup, since a backup valve is always located to produce the same effect as the primary valve.

Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP 2131). These criteria are not met for the independent claims as argued above. Prior art cannot anticipate a claim if there is any structural difference (MPEP 2114). Accordingly, Applicants request withdrawal of the 35 USC 102 rejections, and allowance of the application.

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. As argued above, the proposed combination does not support the obviousness rejections. Applicants feel this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 192179.

Respectfully submitted,

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